

REMARKS

In the Office Action dated October 17, 2003, the Office indicated that claims 282-289 were allowed, and further, that the remaining claims were rejected variously pursuant to 35 U.S.C § 102, 103 and under 35 U.S.C § 101 for both statutory, as well as obvious type double patenting.

In the recent Action, the Office indicated that claims 52, 76, 263, 266, 269-274, 277, 278, 299, 302, 305, 309, 312, 316, 321, 332-337, 340, 341, 347, 348, 350 and 351 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Yet further, claims 59-61, 65-67, 297, 317-320, 322-324 and 358 were also deemed allowable if rewritten or amended to overcome the rejection as set forth under 35 U.S.C. 112 second paragraph as outlined in the Office Action.

Still further, claim 354 was objected to because of informalities, but would be allowable if amended appropriately.

Applicant has amended the claims in the present application consistent with the holding of the Office as to the objected to, and other potentially allowable claims noted above. Furthermore, Applicant has amended the dependencies of several of the claims as provided herewith in order to remove the statutory and other obvious double patenting rejections as set forth in the most recent Office Action.

In view of the foregoing, it would appear that the enclosed claims are now in condition for allowance and Applicant would respectfully request a Notice of Allowance on claims 52-61, 65-67, 76-79, 263-266, 269-274, 277, 278, 282-289, 290-294, 297, 299, 302-307, 309-316, 321-324, 332-337, 347, 348, 353-358 in the Office's next action.

Applicant, by and through their counsel, would request that the Office telephone the attorneys in the event that a further telephone conference could expedite the prompt handling of the present application.

Respectfully submitted,

WILLIAM A. FUGLEVAND et al.

Dated: Feb 17, 2004

By: 

George G. Grigel
Reg. No. 31,166



UNITED STATES PATENT AND TRADEMARK OFFICE

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

EXAMINER

KALAFUT, STEPHEN J

ART UNIT PAPER NUMBER

1745

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

09/990318

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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/30/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

N. Lawrence
Legal Instruments Examiner (LIE)

571-272-1025
Telephone No.

FAX 571-273-1025

Rev. 10/03